

## **REMARKS**

In the Official Action mailed on **13 December 2006** and the Notice of Non-Compliant Amendment of **17 May 2007**, the Examiner reviewed claims 1-21. Claims 1-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chaudhry et al (USPub 2005/0081195, hereinafter “Chaudhry”).

### **Rejections under 35 U.S.C. § 112**

Independent claims 1, 10, and 19 were rejected as being indefinite under 35 U.S.C. §112, second paragraph. The Examiner averred that (i) the phrase “the deferred buffer” had insufficient antecedent basis, and that (ii) it was unclear whether the phrase “resuming execution in execute ahead mode” referred to the “execute-ahead mode” that was recited earlier in the claim.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to (i) provide sufficient antecedent basis for the phrase “the deferred buffer,” and (ii) has removed the phrase “resuming execution in execute ahead mode.” Hence, Applicant submits that, independent claims 1, 10, and 19, as presently amended, are not indefinite under §112, second paragraph.

Dependent claims 2, 3, 11, 12, 20, and 21 were rejected as being indefinite under §112, second paragraph. The Examiner averred that these dependent claims recited the limitation “the non-aggressive execution mode” which had insufficient antecedent basis.

Accordingly, Applicant has canceled dependent claims 2, 11, and 20 without prejudice. Further, Applicant has removed the phrase “the non-aggressive execution mode” from claims 3, 12, and 21. Hence, Applicant submits that dependent claims 3, 12, and 21, as presently amended are not indefinite under §112, second paragraph.

**Rejections under 35 U.S.C. § 102(e)**

Independent claims 1, 10, and 19 were rejected as being anticipated by Chaudhry. Specifically, Examiner averred that some actions recited in these independent claims do not happen in response to other actions or conditions. The Examiner averred that the claim merely states that these actions occur if certain conditions are met.

Accordingly, Applicant has amended claims 1, 10, and 19 to disclose that the method and/or system includes “waiting for the deferred buffer to empty **in response to** determining that an amount of work accomplished during the execute-ahead mode exceeds a predetermined threshold” (see page 2, lines 16-18, page 5, lines 18-20, and page 9, lines 21-23, of this paper). Hence, Applicant submits that, independent claims 1, 10, and 19, as presently amended, recite actions that occur in response to other actions and/or conditions.

Further, Applicant respectfully points out that Chaudhry teaches **always returning to execute-ahead mode** after a pass through the deferred buffer in deferred-execution mode if the deferred buffer is not empty (see Chaudhry, paragraph [0041]).

In contrast, the present invention determines if the amount of work accomplished during execute-ahead mode exceeds a predetermined threshold, and if so, **waits for the deferred buffer to empty**, and then **returns to normal execution mode** (see paragraphs [0040] and [0043] of the instant application). This is beneficial because it provides a technique for dynamically adjusting the aggressiveness of the processor. There is nothing within Chaudhry, either explicit or implicit, which suggests determining if the amount of work accomplished during execute-ahead mode exceeds a predetermined threshold, and if so, waiting for the deferred buffer to empty, and then returning to normal execution mode.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to clarify that the present invention waits for the deferred buffer to empty in response to determining that the amount of work accomplished during execute-ahead mode

exceeds a predetermined threshold. These amendments find support in paragraphs [0040] and [0043] of the instant application. Applicant has canceled claims 2, 11, and 20 without prejudice. Finally, Applicant has amended dependent claims 3-5, 7-9, 12-14, 16-18, and 21 to correct antecedent basis. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 10, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 3-9, which depend from claim 1, claims 12-18, which depend from claim 10, and claim 21, which depends from claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Shun Yao

Registration No. 59,242

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Shun Yao  
PARK, VAUGHAN & FLEMING LLP  
2820 Fifth Street  
Davis, CA 95618-7759  
Tel: (530) 759-1667  
FAX: (530) 759-1665  
Email: shun@parklegal.com